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10/757,254	01/13/2004	Raymond Dale Madden	#911	4077

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EXAMINER

STEPHENSON, DANIEL P

ART UNIT	PAPER NUMBER
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3672

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/757,254

Applicant(s)

MADDEN, RAYMOND DALE

Examiner

Daniel P. Stephenson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-16 is/are allowed.
- 6) ☒ Claim(s) 17 and 20 is/are rejected.
- 7) ☒ Claim(s) 18, 19, 21 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 January 2004 and 23 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

It is noted by the examiner that the applicant has previously submitted corrections to the specification that have not been entered. The proper format for submission of changes to the specification is to submit either a) a replacement specification with both an annotated and clean version or b) to indicate which paragraph is to be changed by referencing page and line number and then submitting an annotated form of the paragraph. This must be done for each paragraph individually, replacement pages are not acceptable. When an amendment is found to be non-compliant, then said amendment is not entered into the case. Therefore, the changes made in the preliminary amendment of 9/27/04, the amendment of 1/23/06 and the amendment of 2/1/05 have not been entered. The examiner suggests, due to the number of corrections to be made, that the applicant submit a substitute specification. This may prove to be easier than corrections done paragraph by paragraph.

1. The disclosure is objected to because of the following informalities:

On page 9 reference is made to Figure 5, this must be corrected, as Figure 5 is not present.

On page 10, the terms "F" and "P1" not located in the drawings.

On pages 10 and 11, the terms "19" and "21" are both used in conjunction with the rope socket.

On page 15, the term "156" is associated with both a sleeve and a shoulder, and the term "55" is used in conjunction with an energy chamber which should be term "154".

On page 16, the term "73" is used to refer to both a passageway and a guide member.

On page 19, the term "55" is used in conjunction with an energy chamber which should be term "154".

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On page 20, the term “162 is used in conjunction with a female latch part which should be the term “61”, and on line 20, the term “towars” should be spelled --towards--.

On page 21, the term “155” refers to a spring chamber which should be the term “154”.

Appropriate correction is required.

Drawings

2. The replacement drawing sheets were received on 1/23/06. These drawings are accepted.

Claim Objections

3. Claims 18 objected to because of the following informalities: on line 3 of the claim and on line 8 of the claim it states, “a chamber formed in said lower chamber” and “a chamber formed in the lower chamber”. These should be corrected to read --a chamber formed in said lower housing-- and --a chamber formed in the lower housing-- Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 17 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by the pre-grant publication to McElroy et al. ‘494. McElroy et al. ‘494 (Fig. 1,2A-2C and 5A) discloses a jar tool for retrieving stuck objects from a wellbore. It has opposed upper (110) and lower (120) main housings with confronting spaced ends coupled together by a lost motion coupling (125) connected there between for limited movement of the main housings toward and away from one another along a common axis. There are attachment means (140, 145) at each opposed end of the upper and the lower main housing for supporting and running the jar tool into and out of a

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wellbore and for attaching downhole tools to the lower housing. There are confronting closure members (lowermost 110a and 270,275) at the confronting ends of the housings. There is a main shaft (130) having opposed ends. The main shaft is reciprocatingly received within the upper main housing. The upper main housing has spaced axially aligned multiple annular stored energy chambers formed respective to the main shaft. In these chambers there is spaced biasing means (160, 220, 240) including springs having different spring characteristics. These biasing means are supported concentrically respective the main shaft and the upper main housing. Compression transfer members (205, 215, 235) extend from the main shaft into a position for engaging and compressing the spaced biasing means to thereby store energy. These transfer members accelerate the upper main chamber respective to the lower main chamber upon demand. There is a releasable latch means (127, 255) interconnecting one opposed end of the main shaft to one end of the lost motion coupling apparatus. It releases the main shaft from the lost motion coupling after storing energy within the biasing means for accelerating the main upper housing away from the lower main housing. There is a hammer (110a) and an anvil (129) connected to the upper main housing and the lost motion coupling, respectively. These provide the recited acceleration of the main housing. There is a slidable sleeve (245) concentrically arranged respective to the releasable latch means and engaging one of the biasing means (240) of one stored energy chamber for resisting axial movement of the releasable latch means while the releasable latch means is reciprocated within adjacent chambers (245, 260) having different diameters. The smaller diameter chamber interferes with unlatching while the larger diameter chamber permits unlatching. The lower end of the upper housing terminates in a sub (lowermost 110a) forming a closure means therefor and includes an internal shoulder forming a hammer

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within the upper main housing. The lost motion coupling extends through the closure means into releasable attachment respective the latch means. There is an anvil (129) formed on the lost motion coupling between the releasable latch and the closure means whereby reciprocating the main upper housing respective the main lower housing brings the hammer into abutting engagement respective the anvil. The latch means is positioned for axial movement within the lower end of the upper main housing and is responsive to movement of the upper main housing respective the lower main housing. The lost motion coupling means has one end thereof affixed to the upper end of the main lower housing with the other end extending through the jar into the interior of the main housing and fixed to the lower end of the releasable coupling. It is positioned for movement responsive the main shaft and the main upper main housing into spaced adjacent chambers of different diameter forming a shoulder there between. The jar tool is run into a borehole supported by a wireline (paragraph 7). Upon increase in the wireline tension the lower end of the main shaft is released from the lost motion coupling. One the end of the biasing means urges the biasing means against the latch means while the sleeve slidably receives the female latch thereabout and prevents the latch means from unlatching. There is a hammer formed on an inner face of the closure member and an anvil connected to the lost motion coupling for engaging the hammer when the latch means is unlatched. There is an axial passageway formed through the main shaft with a protected electrical conductor (580) within the passageway having opposed ends, one the end being adapted to be connected to a conductor extending uphole to the surface, the other the end extending through the main shaft, through the releasable coupling, hammer and lost motion coupling, and into main chamber where the conductor provided with sufficient length to provide for the take up required by the length of the

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stroke occasioned by reciprocation of the main upper housing respective the lower main housing. The conductor is adapted to be connected to an apparatus supported respective the lower chamber to thereby enable electronic data to be transmitted from the lower end of the jar tool axially through the jar tool, and along the wireline to the surface. The axial passageway formed through the main shaft, through the latch means, anvil, lost motion coupling, into the lower chamber contains a tubular protective housing (paragraph 60) slidably received within the passageway of the main shaft. The electrical conductor is supported within the tubular housing.

Allowable Subject Matter

6. Claims 13-16 are allowed.
7. Claims 18, 19, 21 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments filed 5/22/06 have been fully considered but they are not persuasive.

It is the assertion of the applicant that:

"Claim 17 presents limitations not found in the McElroy '494" publication. Member 120-A (impactee) of Figure 1 does not appear to be the equivalent of a closure member at the bottom of Figure 2-C. Apparently member 120 strikes the closure member (near 115 of Figure 1).

In Figure 2C, note member 120 appears to be a box extending through the closure member 110-A. Release of stored energy at spring 160 would seem to drive hammer 130 against

anvil 110; at the same time "hammer" 180 impacts lower surface 110 which is part of the upper housing.

Claim 20 is a method claim that includes the step of a chamber in the lower housing where one end of the conductor is provided with sufficient length to accommodate the reciprocation of the two housings respective one another. ”

The examiner respectfully traverses these assertions. In Figure 2C one can see that the closure element (the lower 120a – surrounded by the dashed 270) is located on the bottom housing and impacts the closure of the upper housing (110a). The hammer and anvil of the McElroy document are located at (129) and (150). With regards to claim 20, the claim has been broadly read as having a passageway to a chamber in the lower housing, where the conductor is located within the passageway, and the conductor is provided with 2 ends where one end is connectable to a tool attached to the lower housing and it is provided with a surplus length. The McElroy document fulfills all of these requirements (Fig. 5A and 5B and paragraph 60).

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel P. Stephenson whose telephone number is (571) 272-7035. The examiner can normally be reached on 8:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on (571) 272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



David Bagnell
Supervisory Patent Examiner
Art Unit 3672

DPS 